

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY LITIGATION

Kevin Turner and Shawn Wooden, on behalf of
themselves and others similarly situated,

Plaintiffs

v.

National Football League and NFL Properties, LLC,
successor-in-interest to NFL Properties, Inc.,

Defendants.

No. 2:12-md-02323-AB
MDL No. 2323

Hon. Anita B. Brody

THIS DOCUMENT RELATES TO:
ALL ACTIONS

CONSENT MOTION FOR LEAVE TO FILE UNDER SEAL

Movants, Kevin Henry and Najeh Davenport, by their undersigned counsel, seek leave pursuant to Local Rule 5.1.5(a)(2), Section 17.2 of the Settlement Agreement, and the Court's Order Regarding Retention, Exchange, and Confidentiality of Claims Information in NFL Concussion Settlement Program ("Confidentiality Order") (ECF 7324) to file under seal Exhibits to the Declaration of Justin R. Wyatt, Esq. ("Declaration"), and in support thereof state as follows:

1. Section 17.2 of the Settlement Agreement provides, in relevant part: "All . . . information relating to a Retired NFL Football Player will be treated as Confidential Information . . . and, where applicable, will be treated as Protected Health information subject to HIPAA and, and other applicable privacy laws."

2. The Confidentiality Order states, in pertinent part, that Parties “must take such steps as are necessary to preserve the confidentiality of Claims Information in their possession,” ECF 7324 ¶ 4, and that Parties “using or disclosing Claims Information . . . shall apply for a protective order governing the use and disclosure of such information[.]” *Id.* ¶ 11. The Order defines “Claims Information” as “all documents and electronically-stored information relating to a Settlement Class Member . . . disclosed to or obtained by the Parties or the Settlement Entities in connection with the administration of the Settlement Agreement.” *Id.* ¶ 1(b).
3. The exhibits to the Declaration (the “Exhibits”) contain Confidential Information and/or Claims Information. Exhibits 1–5 are Notices of Denial of Monetary Award Claim of specific claimants. Exhibits 6–8 are briefs that the NFL Parties have filed with the Special Masters in appeals of determinations by the Claims Administrators with respect to certain claimants. Exhibits 9-10 are Reviews submitted by the Appeal Advisory Panel Consultant in connection with appeals of determinations by the Claims Administrator.
4. Movants’ reply memorandum, submitted herewith, cites only portions of the Exhibits reflecting the positions, beliefs and opinions of the NFL Parties, the Claims Administrator, and the Appeal Advisory Panel Consultant that do not reference or otherwise identify a specific claimant. Accordingly, the memorandum itself need not be sealed.
5. Class Counsel and Counsel for the NFL Parties consent to this Motion.

Dated: November 2, 2020

Respectfully submitted,

/s/ Cyril V. Smith
Cyril V. Smith
Zuckerman Spaeder LLP
100 E. Pratt Street, Suite 2440
Baltimore, MD 21202

(410) 332-0444
csmith@zuckerman.com

Aitan D. Goelman
Ezra B. Marcus
Megan S. McKoy
Zuckerman Spaeder LLP
1800 M Street, 10th Floor
Washington, DC 20036
(202) 778-1800
agoelman@zuckerman.com
emarcus@zuckerman.com
mmckoy@zuckerman.com

/s/ Edward S. Stone
Edward S. Stone
Edward Stone Law P.C.
300 Park Avenue, 12th Floor
New York, NY 10022
(203) 504-8425
eddie@edwardstonelaw.com

/s/ J.R. Wyatt
J.R. Wyatt
JR Wyatt Law PLLC
49 West 37th Street, 7th Floor
New York, New York 10018
(215) 557-2776
justin@jrwyattlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that on November 2, 2020, a true and correct copy of this Motion is being served on counsel of record via the Court's electronic filing system. If the Court grants the Motion, then undersigned will cause the exhibits sought to be filed under seal to be delivered to the Court in paper copy pursuant to Local Civil Rule 5.1.2(7) and served on Class Counsel and counsel for the NFL Parties via secure electronic file transfer.

Dated: November 2, 2020

/s/ Cyril V. Smith
Cyril V. Smith